

2009 DRAFTING REQUEST

Bill

Received: **01/05/2009**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Wavrunek**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - fish and game**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Wavrunek, BB0330 -

Topic:

Payments to the Lac du Flambeau

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/1	mglass 01/05/2009	csicilia 01/06/2009	phenry 01/06/2009		mbarman 01/06/2009		State
/2	mglass 01/14/2009	csicilia 01/15/2009	rschluet 01/15/2009		sbasford 01/15/2009		State
/3	mglass 01/21/2009	csicilia 01/22/2009	rschluet 01/22/2009		sbasford 01/22/2009		

FE Sent For:

<END>

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Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - fish and game**

Extra Copies: **CC:**
Michael A Lutz
DNR

Submit via email: **NO**

Pre Topic:

DOA:.....Wavrunek, BB0330 -

Topic:

Payments to the Lac du Flambeau

Instructions:

See attached

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/2	mglass 01/14/2009	csicilia 01/15/2009	rschluet 01/15/2009	_____	sbasford 01/15/2009		

FE Sent For:

13 gjs 1/22
09
<END>

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Subject: **Nat. Res. - fish and game**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Wavrunek, BB0330 -

Topic:

Payments to the Lac du Flambeau

1/14 conversation w/ Lutz
wants to keep \$50,000
payment

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1	mglass 01/05/2009	csicilia 01/06/2009	phenry 01/06/2009		mbarman 01/06/2009		

FE Sent For:

2 js 1/15
09
<END>

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Topic:

Payments to the Lac du Flambeau

Instructions:

See attached

Drafting History:

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/?

mglass

1 cjs 1/6
08

1/6
ph

1/6
ph/RS
<END>

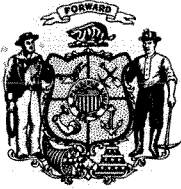
FE Sent For:



2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Change Payments to the Lac du Flambeau
- Tracking Code: BB0330
- SBO team: Agriculture, Environment and Justice
- SBO analyst: Leah Wavrunek
 - Phone: 267-0370
 - Email: leah.wavrunek@wisconsin.gov
- Agency acronym: DNR
- Agency number: 370
- Priority (Low, Medium, High): High

Intent: Change payments currently authorized to the Lac du Flambeau under s. 29.2295. Remove the required payment of \$50,000 under section (4m) and instead make payments to the band for the amounts in the schedule under s. 20.370(9)(hk).



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1310-4

MGG:.....

RMR

cjs

in edit
115

DOA:.....Wavrunek, BB0330 - Payments to the Lac du Flambeau

~~FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION~~

x-ref ✓
SA

Do NOT Gen

to be used ~~is~~ for
fishing management
on the band's reservation

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FISH, GAME, AND WILDLIFE

Under current law, DNR and the Lac du Flambeau band of the Lake Superior Chippewa (band) have in effect an agreement under which the band agrees to limit its treaty-based, off-reservation rights to fish in exchange for the band being able to issue its own fishing licenses and stamps or being able to issue DNR fishing licenses and stamps as an agent of DNR. Current law authorizes, but does not require, DNR to pay the band an amount equal to the amount that the band would receive if the band directly issued DNR's licenses and stamps. This payment is funded by certain moneys received by the state pursuant to Indian gaming compacts.

Under current law, in addition to this payment that DNR may make to the band, DNR must make an annual payment of \$50,000. ~~Current law requires that all these payments be used for fishery management within the band's reservation.~~

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

This bill repeals this ~~provision~~ payment

SECTION 1. 20.370 (9) (hk) of the statutes is amended to read:

20.370 (9) (hk) *Approval fees to Lac du Flambeau band-service funds.* From the general fund, the amounts in the schedule for the purpose of making payments to the Lac du Flambeau band of the Lake Superior Chippewa under s. 29.2295 (4) (a) and (4m). All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 8r. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97.

SECTION 2. 29.2295 (4m) of the statutes is repealed.

(END)

Gibson-Glass, Mary

From: Wavrunek, Leah J - DOA [Leah.Wavrunek@wisconsin.gov]
Sent: Monday, January 12, 2009 10:38 AM
To: Gibson-Glass, Mary
Subject: DNR

Hi Mary,

I checked and it's fine if you contact the legal counsel at DNR on the Lac du Flambeau payments. Thank you!

leah

Leah Wavrunek
State Budget Office
Ph: (608) 267-0370
F: (608) 267-0372
leah.wavrunek@wisconsin.gov

1/14/2009

Gibson-Glass, Mary

From: Wavrunek, Leah J - DOA [Leah.Wavrunek@wisconsin.gov]
Sent: Friday, January 09, 2009 4:25 PM
To: Gibson-Glass, Mary
Subject: Changes to LRB-1310/1

Hi Mary,

I have some changes to draft 1310/1 and I think they are the result of my drafting request not being correct in capturing DNR's intent. DNR suggested the following language to replace the current draft:

Maintain s. 29.2295 and incorporate these changes:

(4m) RESOURCE MANAGEMENT. In addition to any payment made under sub. (4) (a), the department shall make an annual payment ~~of \$50,000~~ to the band for the purposes of fishery management within the reservation up to the amounts in the schedule for appropriation s. 20.370(9)(hk).

Please let me know if you have any questions.

Thank you,

leah

Leah Wavrunek
State Budget Office
Ph: (608) 267-0370
F: (608) 267-0372
leah.wavrunek@wisconsin.gov

1/14/2009



State of Wisconsin
2009 - 2010 LEGISLATURE

W 1/14

LRB-1310/1

MGG:cjs:ph

2 RMR

D-Note

2

DOA:.....Wavrunek, BB0330 - Payments to the Lac du Flambeau
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

stays

D. NOT Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FISH, GAME, AND WILDLIFE

Under current law, DNR and the Lac du Flambeau band of the Lake Superior Chippewa (band) have in effect an agreement under which the band agrees to limit its treaty-based, off-reservation rights to fish in exchange for the band being able to issue its own fishing licenses and stamps or being able to directly issue DNR fishing licenses and stamps as an agent of DNR. Current law authorizes, but does not require, DNR to pay the band an amount equal to the amount that the band would receive if the band directly issued DNR's licenses and stamps. This payment is funded by certain moneys received by the state pursuant to Indian gaming compacts.

Under current law, in addition to this payment that DNR may make to the band, DNR must make an annual payment of \$50,000 to be used for fishery management on the band's reservation. This bill repeals this payment.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.370 (9) (hk) of the statutes is amended to read:

2 20.370 (9) (hk) *Approval fees to Lac du Flambeau band-service funds.* From
3 the general fund, the amounts in the schedule for the purpose of making payments
4 to the Lac du Flambeau band of the Lake Superior Chippewa under s. 29.2295 (4) (a)
5 and (4m). All moneys transferred from the appropriation account under s. 20.505 (8)
6 (hm) 8r. shall be credited to this appropriation account. Notwithstanding s. 20.001
7 (3) (a), the unencumbered balance on June 30 of each year shall revert to the
8 appropriation account under s. 20.505 (8) (hm).

9 ~~**SECTION 2.** 29.2295 (4m) of the statutes is repealed.~~

10 (END)

INS 2-9

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1310/2ins
MGG:.....

Insert ANL

Under current law, DNR and the Lac du Flambeau band of the Lake Superior Chippewa (band) have in effect an agreement under which the band agrees to limit its treaty-based, off-reservation rights to fish, exchange for the band being able to issue DNR fishing licenses and stamps as an agent of DNR. The band may retain all of the fees that the band collects for these fishing licenses and stamps.

For licenses and stamps not issued by the band but issued by other DNR agents within the boundary of the band's reservation, current law authorizes, but does not require, DNR to make an annual payment to the band that equals what the band would receive if it had issued those licenses and stamps (reimbursement amount). In addition to this payment, DNR currently makes a mandatory annual payment of \$50,000, which must be used for fishery management on the reservation. Both of these payments come from an appropriation that contains certain moneys received by the state pursuant to Indian gaming compacts. If the amount available from the appropriated gaming revenues (appropriated amount), after making the mandatory payment, is less than the reimbursement amount, the remaining reimbursement amount is paid to the band from separate moneys appropriated from the conservation fund.

Under the bill, if DNR decides to pay the annual reimbursement amount and if amount calculated as the reimbursement amount is less than the appropriated amount, DNR must pay to the band all of those gaming revenues appropriated for that year. If the reimbursement amount is more than the appropriated amount, DNR must to the band the appropriated amount, and the remainder of the reimbursement amount is paid to the band from separate moneys appropriated from the conservation fund. If DNR decides not to pay the annual reimbursement amount, DNR instead must make the annual mandatory payment of \$50,000.

Insert 2-9

SECTION 1. 29.2295 (4) (a) of the statutes is amended to read:

29.2295 (4) (a) Annually For each fiscal year, the department may pay to the band an amount for the issuance of the approvals specified in sub. (2) (a) to (L) within the reservation.

History: 1997 a. 27; 1997 a. 248 s. 309; Stats. 1997 s. 29.2295; 1999 a. 9; 2005 a. 25; 2007 a. 20.

SECTION 2. 29.2295 (4) (am) of the statutes is created to read:

29.2295 (4) (am) If the department decides that it will make the payment under par. (a), the payment shall be equal to the amount appropriated for that fiscal year under s. 20.370 (9) (hk) or the amount calculated under par (b), whichever is greater.

1 **SECTION 3.** 29.2295 (4) (b) (intro.) of the statutes is repealed and recreated to
2 read:

3 29.2295 (4) (b) (intro.) For purposes of par. (am), the calculated amount shall
4 be the sum of the following:

5 **SECTION 4.** 29.2295 (4) (b) 1. of the statutes is amended to read:

6 29.2295 (4) (b) 1. The amount in fees received by the department from the
7 issuance of the approvals specified in sub. (2) (a) to (j) during the preceding fiscal year
8 by issuing agents other than the band at locations within the reservation.

History: 1997 a. 27; 1997 a. 248 s. 309; Stats. 1997 s. 29.2295; 1999 a. 9; 2005 a. 25; 2007 a. 20.

9 **SECTION 5.** 29.2295 (4) (b) 2. of the statutes is renumbered 29.2295 (4) (bn) 2.
10 and amended to read:

11 29.2295 (4) (bn) 2. An amount calculated by multiplying the number of resident
12 and nonresident sports licenses issued during the preceding fiscal year by issuing
13 agents other than the band at locations within the reservation by the amount of the
14 fee for an annual fishing license, including the portion of the issuing fee for an annual
15 fishing license that the department receives.

History: 1997 a. 27; 1997 a. 248 s. 309; Stats. 1997 s. 29.2295; 1999 a. 9; 2005 a. 25; 2007 a. 20.

16 **SECTION 6.** 29.2295 (4) (c) 1. of the statutes is amended to read:

17 29.2295 (4) (c) 1. The Subject to subd. 2., the department shall make the
18 ~~payments~~ payment under ~~this subsection~~ par. (a) from the appropriation under s.
19 20.370 (9) (hk).

History: 1997 a. 27; 1997 a. 248 s. 309; Stats. 1997 s. 29.2295; 1999 a. 9; 2005 a. 25; 2007 a. 20.

20 **SECTION 7.** 29.2295 (4) (c) 2. of the statutes is repealed and recreated to read:

21 29.2295 (4) (c) 2. If the amount calculated under par. (b) for a fiscal year exceeds
22 than the amount appropriated under s. 20.370 (9) (hk) for that fiscal year, the
23 department shall make a payment from the appropriation under s. 20.370 (9) (ht)
24 to the band that equals the difference between the two amounts.

1 **SECTION 8.** 29.2295 (4m) of the statutes is amended to read:
2 29.2295 (4m) RESOURCE MANAGEMENT. ~~In addition to any~~ If the department
3 decides that it will not make the payment ~~made~~ under sub. (4) (a) for a fiscal year,
4 the department instead shall make ~~an annual~~ ^(a) payment of \$50,000 for that fiscal year
5 to the band for the purposes of fishery management within the reservation.

History: 1997 a. 27; 1997 a. 248 s. 309; Stats. 1997 s. 29.2295; 1999 a. 9; 2005 a. 25; 2007 a. 20.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1310/2dn

MGG:.....

gs

Please review this draft carefully to make sure it achieves your intent. I spoke with DNR Attorney Mike Lutz, and based on my conversation with him, this is my understanding of what DNR wants. I would recommend that you have DNR review this draft.

Currently, under s. 29.2295 the revenues received by the Lac du Flambeau consist of the following:

1. The total fees for DNR licensees ^{and} stamps sold by the Lac du Flambeau as DNR's issuing agent. See s. 29.2295 (3). ✓
2. An annual payment representing the revenues received by non Lac du Flambeau issuing agents. This payment is discretionary. See s. 29.2295 (4). ✓
3. An annual payment of \$50,000. This payment is mandatory. See s. 29.2295 (4m). ✓

Under current law, the direct revenues described in 1. ^{be} and the \$50,000 payment in 3. must be used for fishery management on the reservation; there is no restriction on the revenues described in 2. See s. 29.2295 (4m) and (5). ^{OK?} Do you want any changes? ✓

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1310/2dn
MGG:cjs:rs

January 15, 2009

Please review this draft carefully to make sure it achieves your intent. I spoke with DNR Attorney Mike Lutz, and based on my conversation with him, this is my understanding of what DNR wants. I would recommend that you have DNR review this draft.

Currently, under s. 29.2295 the revenues received by the Lac du Flambeau consist of the following:

1. The total fees for DNR licenses and stamps sold by the Lac du Flambeau as DNR's issuing agent. See s. 29.2295 (3).
2. An annual payment representing the revenues received by non Lac du Flambeau issuing agents. This payment is discretionary. See s. 29.2295 (4).
3. An annual payment of \$50,000. This payment is mandatory. See s. 29.2295 (4m).

Under current law, the direct revenues described in 1. and the \$50,000 payment in 3. must be used for fishery management on the reservation; there is no restriction on the revenues described in 2. See s. 29.2295 (4m) and (5). Do you want any changes?

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Gibson-Glass, Mary

From: Gibson-Glass, Mary
Sent: Wednesday, January 21, 2009 1:42 PM
To: Wavrunek, Leah J - DOA
Subject: RE: LRB-1310/2

You make a fine middle-woman. This budget redrafting process is always cumbersome, and I appreciate your allowing me to do this.

Mary

From: Wavrunek, Leah J - DOA [mailto:Leah.Wavrunek@wisconsin.gov]
Sent: Wednesday, January 21, 2009 1:41 PM
To: Gibson-Glass, Mary
Subject: RE: LRB-1310/2

Yes, that is fine to send redrafts to Mike Lutz. I don't think I make a good middle-man.

Thanks,
leah

From: Gibson-Glass, Mary [mailto:Mary.Gibson-Glass@legis.wisconsin.gov]
Sent: Wednesday, January 21, 2009 1:35 PM
To: Wavrunek, Leah J - DOA
Subject: RE: LRB-1310/2

Leah

I am redrafting this based on my conversation with Mike Lutz. The payment under sub. (4) (a) is going to be mandatory since the intent is to give the Lac Du Flambeau all of the money appropriated in each fiscal year.

Could I have your permission to send subsequent redrafts by e-mail directly to Mike Lutz. I believe it will facilitate the drafting process for all of us.

Thanks so much,

Mary

From: Wavrunek, Leah J - DOA [mailto:Leah.Wavrunek@wisconsin.gov]
Sent: Wednesday, January 21, 2009 10:07 AM
To: Gibson-Glass, Mary
Subject: LRB-1310/2

Hi Mary,

Joe Polasek sent me the suggested language below and said Mike Lutz agrees it accomplishes the intent of the change:

29.2295 Department approvals issued on the Lac du Flambeau reservation.

(4m) RESOURCE MANAGEMENT. In addition to any payment made under sub. (4) (a), the department shall make an annual payment ~~of \$50,000~~ to the band for the purposes of fishery management within the reservation, equal to the amount remaining in 20.370 (9)(hk) after the payment

1/21/2009

is made under sub (4)(a).

20.370 (9)(hk) *Approval fees to Lac du Flambeau band—service funds.* From the general fund, the amounts in the schedule for the purpose of making payments to the Lac du Flambeau band of the Lake Superior Chippewa under s. 29.2295 (4) (a) and (4m). All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 8r. shall be credited to this appropriation account. ~~Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).~~

I appreciate any feedback!
Thank you,
leah

Leah Wavrunek
State Budget Office
Ph: (608) 267-0370
F: (608) 267-0372
leah.wavrunek@wisconsin.gov

Gibson-Glass, Mary

From: Wavrunek, Leah J - DOA [Leah.Wavrunek@wisconsin.gov]
Sent: Wednesday, January 21, 2009 10:07 AM
To: Gibson-Glass, Mary
Subject: LRB-1310/2

Hi Mary,

Joe Polasek sent me the suggested language below and said Mike Lutz agrees it accomplishes the intent of the change:

29.2295 Department approvals issued on the Lac du Flambeau reservation.

(4m) RESOURCE MANAGEMENT. In addition to any payment made under sub. (4) (a), the department shall make an annual payment ~~of \$50,000~~ to the band for the purposes of fishery management within the reservation, equal to the amount remaining in 20.370 (9)(hk) after the payment is made under sub (4)(a).

20.370 (9)(hk) *Approval fees to Lac du Flambeau band—service funds.* From the general fund, the amounts in the schedule for the purpose of making payments to the Lac du Flambeau band of the Lake Superior Chippewa under s. 29.2295 (4) (a) and (4m). All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 8r. shall be credited to this appropriation account. ~~Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).~~

I appreciate any feedback!
 Thank you,
 leah

Leah Wavrunek
 State Budget Office
 Ph: (608) 267-0370
 F: (608) 267-0372
 leah.wavrunek@wisconsin.gov

*talk to Mike Lutz
 make (4)(a) payment mandatory
 fishery management restriction to apply
 to (4)(a) payment*



State of Wisconsin
2009 - 2010 LEGISLATURE

3 RMR
LRB-1310/2

MGG:cjs:rs
T
Stays

DOA:.....Wavrunek, BB0330 - Payments to the Lac du Flambeau
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

Do NOT Go

1 AN ACT...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FISH, GAME, AND WILDLIFE

Under current law, DNR and the Lac du Flambeau band of the Lake Superior Chippewa (band) have in effect an agreement under which the band agrees to limit its treaty-based, off-reservation rights to fish, in exchange for the band being able to issue DNR fishing licenses and stamps as an agent of DNR. The band may retain all of the fees that the band collects for these fishing licenses and stamps.

For licenses and stamps not issued by the band but issued by other DNR agents within the boundary of the band's reservation, current law authorizes, but does not require, DNR to make an annual payment to the band that equals what the band would receive if it had issued those licenses and stamps (reimbursement amount). In addition to this payment, DNR currently makes a mandatory annual payment of \$50,000, which must be used for fishery management on the reservation. Both of these payments come from an appropriation that contains certain moneys received by the state pursuant to Indian gaming compacts. If the amount available from the appropriated gaming revenues (appropriated amount), after making the mandatory payment, is less than the reimbursement amount, the remaining reimbursement amount is paid to the band from separate moneys appropriated from the conservation fund.

Under the bill, ^{is required to} if DNR decides to pay the reimbursement amount in a fiscal year and if the amount calculated as the reimbursement amount is less than the

The bill repeals the requirement to make annual payments of \$50,000. It also requires that the reimbursement amount be used

appropriated amount, DNR must pay to the band all of those gaming revenues appropriated for that fiscal year. If the reimbursement amount is more than the appropriated amount, DNR must pay to the band the appropriated amount, and the remainder of the reimbursement amount is paid to the band from separate moneys appropriated from the conservation fund. In addition, DNR is not required to make the mandatory payment of \$50,000 in a fiscal year unless it decides not to pay the reimbursement amount in that fiscal year.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

for fishery management on the reservation.
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 29.2295 (4) (a) of the statutes is amended to read:

29.2295 (4) (a) ~~Annually~~ For each fiscal year, the department ~~may~~ ^{shall} pay to the band an amount for the issuance of the approvals specified in sub. (2) (a) to (L) within the reservation.

SECTION 2. 29.2295 (4) (am) of the statutes is created to read:

29.2295 (4) (am) ~~If the department decides that it will make the payment under par. (a), the payment shall be equal to the amount appropriated for that fiscal year under s. 20.370 (9) (hk) or the amount calculated under par. (b), whichever is greater.~~
under par. (a)

SECTION 3. 29.2295 (4) (b) (intro.) of the statutes is repealed and recreated to read:

29.2295 (4) (b) (intro.) For purposes of par. (am), the calculated amount shall be the sum of the following:

SECTION 4. 29.2295 (4) (b) 1. of the statutes is amended to read:

29.2295 (4) (b) 1. The amount in fees received by the department from the issuance of the approvals specified in sub. (2) (a) to (j) during the preceding fiscal year by issuing agents other than the band at locations within the reservation.

SECTION 5. 29.2295 (4) (b) 2. of the statutes is amended to read:

29.2295 (4) (b) 2. An amount calculated by multiplying the number of resident and nonresident sports licenses issued during the preceding fiscal year by issuing agents other than the band at locations within the reservation by the amount of the fee for an annual fishing license, including the portion of the issuing fee for an annual fishing license that the department receives.

SECTION 6. 29.2295 (4) (c) 1. of the statutes is amended to read:

29.2295 (4) (c) 1. The Subject to subd. 2., the department shall make the payments payment ~~under this subsection~~ par. (a) from the appropriation under s. 20.370 (9) (hk).

SECTION 7. 29.2295 (4) (c) 2. of the statutes is repealed and recreated to read:

29.2295 (4) (c) 2. If the amount calculated under par. (b) for a fiscal year exceeds the amount appropriated under s. 20.370 (9) (hk) for that fiscal year, the department shall make a payment from the appropriation under s. 20.370 (9) (ht) to the band that equals the difference between the 2 amounts.

SECTION 8. 29.2295 (4m) of the statutes is amended to read:

29.2295 (4m) RESOURCE MANAGEMENT. ~~In addition to any~~ If the department
decides that it will not make the payment made under sub. (4) (a) for a fiscal year,
the department instead shall make ~~an annual~~ a payment of \$50,000 for that fiscal
year to the band for the purposes of fishery management within the reservation.

(END)

INSERT
3-19

fix component

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1310/3ins
MGG:....

Insert 2-1

SECTION 1. 20.370 (9) (hk) of the statutes is amended to read:

20.370 (9) (hk) *Approval fees to Lac du Flambeau band-service funds.* From the general fund, the amounts in the schedule for the purpose of making payments to the Lac du Flambeau band of the Lake Superior Chippewa under s. 29.2295 (4) (a) and (4m). All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 8r. shall be credited to this appropriation account. ~~Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).~~

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97.

Insert 3-19

SECTION 2. 29.2295 (5) (b) of the statutes is amended to read:

29.2295 (5) (b) A requirement that the fees collected and retained by the band under sub. (3) and the payments received under sub. (4) be used only for fishery management within the reservation.

History: 1997 a. 27; 1997 a. 248 s. 309; Stats. 1997 s. 29.2295; 1999 a. 9; 2005 a. 25; 2007 a. 20.

Basford, Sarah

From: Basford, Sarah
Sent: Thursday, January 22, 2009 1:00 PM
To: Lutz, Michael - DNR
Subject: LRB 1310/3 (attached)

Attachments: 09-1310/3



09-13103.pdf (21
KB)

Sarah Basford

Program Assistant
Legislative Reference Bureau
1 East Main, Suite 200
(608) 266-3561
sarah.basford@legis.wisconsin.gov

Gibson-Glass, Mary

From: Polasek Jr, Joseph P - DNR [Joseph.Polasekjr@Wisconsin.gov]
Sent: Monday, January 26, 2009 1:05 PM
To: Gibson-Glass, Mary; Lutz, Michael - DNR
Cc: Wavrunek, Leah J - DOA
Subject: RE: LRB 1310/3 (attached)

Mary--

Oh yeah-- I see. I'm good with this one now.

Thanks for the help

Joe

From: Gibson-Glass, Mary [mailto:Mary.Gibson-Glass@legis.wisconsin.gov]
Sent: Monday, January 26, 2009 1:00 PM
To: Polasek Jr, Joseph P - DNR; Lutz, Michael - DNR
Cc: Wavrunek, Leah J - DOA
Subject: RE: LRB 1310/3 (attached)

Joe,

The limit on the purpose for spending the money is found in the amendment of s. 29.22295 (5) (b), which is the last section in the draft. Thus, the amount they receive under s. 29.2295 (4), as well as (4), is limited to fishery management.

Mary

From: Polasek Jr, Joseph P - DNR [mailto:Joseph.Polasekjr@Wisconsin.gov]
Sent: Monday, January 26, 2009 11:43 AM
To: Lutz, Michael - DNR; Gibson-Glass, Mary
Cc: Wavrunek, Leah J - DOA
Subject: RE: LRB 1310/3 (attached)

It seems like this approach does take away any required purpose for spending the money. I'm not sure that is good.

From: Lutz, Michael - DNR
Sent: Monday, January 26, 2009 11:36 AM
To: Gibson-Glass, Mary - LEGIS
Cc: Polasek Jr, Joseph P - DNR
Subject: RE: LRB 1310/3 (attached)

I understand what you have done. The payment for state license sales on the reservation is to be \$100,000 unless somehow the sales exceed \$100,000 in which case the alternative procedure applies. That accomplished what we had asked for. (Reimbursement for state license sales plus the supplement needs to equal no less than \$100,000.) Thanks for your help in working through this.

1/26/2009

From: Gibson-Glass, Mary [mailto:Mary.Gibson-Glass@legis.wisconsin.gov]
Sent: Friday, January 23, 2009 12:45 PM
To: Lutz, Michael - DNR
Cc: Polasek Jr, Joseph P - DNR
Subject: RE: LRB 1310/3 (attached)

Mike,

Under s. 29.2295 (4) (am), it says the payment equals the greater of the amount appropriated under s. 20.370 (9) (hk) for the fiscal year, which would be the \$100,000 payment (that amount can change in subsequent bienniums to we use the phrase "the amount appropriated"), or the payment as calculated under sub. (4) (b). So the \$100,000 payment will be made unless the (4) (b) amount is larger. If you still have questions, please call me.

Mary
267 3215

From: Lutz, Michael - DNR [mailto:Michael1.Lutz@Wisconsin.gov]
Sent: Thursday, January 22, 2009 5:36 PM
To: Basford, Sarah
Cc: Polasek Jr, Joseph P - DNR; Gibson-Glass, Mary
Subject: RE: LRB 1310/3 (attached)

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From: Basford, Sarah [mailto:Sarah.Basford@legis.wisconsin.gov]
Sent: Thursday, January 22, 2009 1:00 PM
To: Lutz, Michael - DNR
Subject: LRB 1310/3 (attached)

<< File: 09-1310/3.pdf >>

Sarah Basford

Program Assistant
Legislative Reference Bureau
1 East Main, Suite 200
(608) 266-3561
sarah.basford@legis.wisconsin.gov

Gibson-Glass, Mary

From: Wavrunek, Leah J - DOA [Leah.Wavrunek@wisconsin.gov]
Sent: Tuesday, January 27, 2009 11:55 AM
To: Gibson-Glass, Mary
Cc: Polasek Jr, Joseph P - DNR
Subject: RE: LRB 1310/3 (attached)

Spoke w/ Leah
 said lang should
 continue to be stucken
 becuz there will never
 be any unencumber \$.
 She agreed.

Hi Mary,

I have only one change to this draft—I do not want to strike the language that lapses unencumbered balances back to tribal gaming (page 2, lines 6-8). This is standard language for all tribal gaming appropriations and we would like to keep it, even if DNR spends all the authority, making it a moot point.

Thanks,
 leah

From: Gibson-Glass, Mary [mailto:Mary.Gibson-Glass@legis.wisconsin.gov]
Sent: Monday, January 26, 2009 1:00 PM
To: Polasek Jr, Joseph P - DNR; Lutz, Michael - DNR
Cc: Wavrunek, Leah J - DOA
Subject: RE: LRB 1310/3 (attached)

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Mary
 267 3215

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Sent: Thursday, January 22, 2009 5:36 PM
To: Basford, Sarah
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Subject: RE: LRB 1310/3 (attached)

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m: Basford, Sarah [mailto:Sarah.Basford@legis.wisconsin.gov]
it: Thursday, January 22, 2009 1:00 PM
 Lutz, Michael - DNR
ject: LRB 1310/3 (attached)

<< File: 09-1310/3.pdf >>

Sarah Basford

Program Assistant

Legislative Reference Bureau

1 East Main, Suite 200

(608) 266-3561

sarah.basford@legis.wisconsin.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1310/3

MGG:cjs:rs

DOA:.....Wavrunek, BB0330 - Payments to the Lac du Flambeau
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FISH, GAME, AND WILDLIFE

Under current law, DNR and the Lac du Flambeau band of the Lake Superior Chippewa (band) have in effect an agreement under which the band agrees to limit its treaty-based, off-reservation rights to fish, in exchange for the band being able to issue DNR fishing licenses and stamps as an agent of DNR. The band may retain all of the fees that the band collects for these fishing licenses and stamps.

For licenses and stamps not issued by the band but issued by other DNR agents within the boundary of the band's reservation, current law authorizes, but does not require, DNR to make an annual payment to the band that equals what the band would receive if it had issued those licenses and stamps (reimbursement amount). In addition to this payment, DNR currently makes a mandatory annual payment of \$50,000, which must be used for fishery management on the reservation. Both of these payments come from an appropriation that contains certain moneys received by the state pursuant to Indian gaming compacts. If the amount available from the appropriated gaming revenues (appropriated amount), after making the mandatory payment, is less than the reimbursement amount, the remaining reimbursement amount is paid to the band from separate moneys appropriated from the conservation fund.

Under the bill, DNR is required to pay the reimbursement amount in a fiscal year and if the amount calculated as the reimbursement amount is less than the

appropriated amount, DNR must pay to the band all of those gaming revenues appropriated for that fiscal year. If the reimbursement amount is more than the appropriated amount, DNR must pay to the band the appropriated amount, and the remainder of the reimbursement amount is paid to the band from separate moneys appropriated from the conservation fund. The bill repeals the requirement to make annual payments of \$50,000. The bill also requires that the reimbursement amount be used for fishery management on the reservation.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.370 (9) (hk) of the statutes is amended to read:

2 20.370 (9) (hk) *Approval fees to Lac du Flambeau band-service funds.* From
3 the general fund, the amounts in the schedule for the purpose of making payments
4 to the Lac du Flambeau band of the Lake Superior Chippewa under s. 29.2295 (4) (a)
5 and (4m). All moneys transferred from the appropriation account under s. 20.505 (8)
6 (hm) 8r. shall be credited to this appropriation account. ~~Notwithstanding s. 20.001~~
7 ~~(3) (a), the unencumbered balance on June 30 of each year shall revert to the~~
8 ~~appropriation account under s. 20.505 (8) (hm).~~

9 **SECTION 2.** 29.2295 (4) (a) of the statutes is amended to read:

10 29.2295 (4) (a) ~~Annually~~ For each fiscal year, the department ~~may~~ shall pay to
11 the band an amount for the issuance of the approvals specified in sub. (2) (a) to (L)
12 within the reservation.

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14 29.2295 (4) (am) The payment under par. (a) shall be equal to the amount
15 appropriated for that fiscal year under s. 20.370 (9) (hk) or the amount calculated
16 under par. (b), whichever is greater.

1 **SECTION 4.** 29.2295 (4) (b) (intro.) of the statutes is repealed and recreated to
2 read:

3 29.2295 (4) (b) (intro.) For purposes of par. (am), the calculated amount shall
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5 **SECTION 5.** 29.2295 (4) (b) 1. of the statutes is amended to read:

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8 by issuing agents other than the band at locations within the reservation.

9 **SECTION 6.** 29.2295 (4) (b) 2. of the statutes is amended to read:

10 29.2295 (4) (b) 2. An amount calculated by multiplying the number of resident
11 and nonresident sports licenses issued during the preceding fiscal year by issuing
12 agents other than the band at locations within the reservation by the amount of the
13 fee for an annual fishing license, including the portion of the issuing fee for an annual
14 fishing license that the department receives.

15 **SECTION 7.** 29.2295 (4) (c) 1. of the statutes is amended to read:

16 29.2295 (4) (c) 1. The Subject to subd. 2., the department shall make the
17 ~~payments~~ payment under ~~this subsection~~ par. (a) from the appropriation under s.
18 20.370 (9) (hk).

19 **SECTION 8.** 29.2295 (4) (c) 2. of the statutes is repealed and recreated to read:

20 29.2295 (4) (c) 2. If the amount calculated under par. (b) for a fiscal year exceeds
21 the amount appropriated under s. 20.370 (9) (hk) for that fiscal year, the department
22 shall make a payment from the appropriation under s. 20.370 (9) (ht) to the band that
23 equals the difference between the 2 amounts.

24 **SECTION 9.** 29.2295 (4m) of the statutes is repealed.

25 **SECTION 10.** 29.2295 (5) (b) of the statutes is amended to read:

1 29.2295 (5) (b) A requirement that the fees collected and retained by the band
2 under sub. (3) and the payments received under sub. (4) be used only for fishery
3 management within the reservation.

4 (END)